REMARKS

The specification is currently amended to correct inadvertent typographical errors in numbering the system 22 and environment 20 depicted in FIGURE 2 of the present application.

The specification is also currently amended to correct the inadvertent omission of a textual description of the SS7 network 44 that is graphically depicted in FIGURE 2. This correction entails adding the sentence: "System 22 may also interface with an SS7 network 44." However, such amendment does not constitute the introduction of new subject matter into the present application because the as-filed version of FIGURE 2 clearly depicts SS7 network 44 interfacing with system 22.

Claims 1-29 were originally filed in the present application, and claims 30-35 were subsequently added. Claims 9, 19 and 28 are currently canceled without prejudice or disclaimer, and claims 1, 10, 11, 20, 21, 26, 29 and 30 are currently amended. No other claims are currently amended, add or canceled. Thus, claims 1-8, 10-18, 20-28 and 30-35 remain pending in the present application, including independent claims 1, 11, 21 and 30.

Reconsideration of this application in light of the above amendments and the following remarks is requested.

Drawing Objections

The drawings have been objected to because the reference numbers 22 and 44 depicted in FIGURE 2 are not mentioned in the description. However, the present amendments to the specification overcome these inadvertent omissions, as described above. Consequently, Applicant respectfully requests the Examiner withdraw the objection to the drawings.

Rejections under 35 U.S.C. §102

Claims 1-8, 10-18, 20-28 and 30-35 have been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,974,256 to Cyr, et al. ("Cyr")

Claim 1

Claim 1 recites:

> 1. A method of dynamically balancing work to be performed by a process distributed among a plurality of processing nodes, comprising:
> periodically updating a node processing occupancy value at each of the plurality of processing nodes;
> communicating the respective node occupancy value of each processing node to at least one work originator node;
> storing the node occupancy values of the plurality of processing nodes at the at least one work originator node; and
> selecting, by the at least one work originator node, a processing node to perform a particular task in response to the node occupancy values of the processing nodes;
> wherein selecting a processing node comprises:
> determining a subset of processing nodes having lowest node occupancy values; and
> randomly selecting a processing node from the subset.

The PTO provides in MPEP §2131 that "*[t]o anticipate a claim, the reference must teach every element of the claim....*" Therefore, to sustain this rejection with respect to claim 1, Cyr must contain all of the elements of claim 1. However, Cyr fails to disclose selecting a processing node to perform a particular task by randomly selecting a processing node from a subset of processing nodes having lowest node occupancy values, among other elements recited in claim 1. Consequently, a §102(b) rejection of claim 1 based on Cyr is not supported, and the rejection should be withdrawn.

Claim 11

Claim 11 recites:

> 11. In connection with a telecommunications switch having a switching fabric through which calls are switched, and with a plurality of processing nodes each capable of performing certain processing in connection with calls to be routed through the switching fabric, a method of dynamically balancing call processing tasks among the plurality of call processing nodes, comprising:
>
> periodically updating a respective node processing occupancy value at each of the plurality of call processing nodes;
>
> communicating the respective node occupancy value of each call processing node to at least one work originator node operable to receive incoming calls;
>
> storing the node occupancy values of the plurality of call processing nodes at the at least one work originator node; and
>
> selecting, by the at least one work originator node, a call processing node to process the incoming call in response to the node occupancy values of the call processing nodes;
>
> wherein selecting a call processing node comprises:
>
> determining a subset of call processing nodes having lowest node occupancy values; and
>
> randomly selecting a call processing node from the subset.

To sustain a §102(b) rejection with respect to claim 11, Cyr must contain all of the elements of claim 11. However, Cyr fails to disclose selecting a call processing node to process an incoming call by randomly selecting a call processing node from a subset of call processing nodes having lowest node occupancy values, among other elements recited in claim 11. Consequently, a §102(b) rejection of claim 11 based on Cyr is not supported, and the rejection should be withdrawn.

Claim 21

Claim 21 recites:

> 21. A telecommunications system, comprising:
> a plurality of call processing nodes for communicating with a switching fabric through which calls are switched; and
> at least one incoming call receiving node;
> the plurality of call processing nodes each:
> periodically calculating and updating a respective node occupancy value; and
> communicating the respective node occupancy value to at least one incoming call receiving node, communication of the occupancy value made in an open-loop manner;
> the at least one incoming call receiving node:
> storing the node occupancy values of the plurality of call processing nodes;
> determining a subset of call processing nodes having lowest node occupancy values; and
> selecting randomly from the subset a call processing node to process the incoming call.

To sustain a §102(b) rejection with respect to claim 21, Cyr must contain all of the elements of claim 21. However, Cyr fails to disclose an incoming call receiving node that determines a subset of call processing nodes having lowest node occupancy values and randomly selects from the subset a call processing node to process an incoming call, among other elements recited in claim 21. Consequently, a §102(b) rejection of claim 21 based on Cyr is not supported, and the rejection should be withdrawn.

Claim 30

Claim 30 recites:

> 30. A load shared processing system distributed among a plurality of processing nodes,
> each of the plurality of processing nodes executing a shared process for switching fabrics,
> each of the plurality of processing nodes in communication with one or more work origination nodes for performing tasks associated with switching taking place in one or more switching fabrics;
> wherein each of the plurality of processing nodes executes a second process for periodically determining an indication of processing occupancy of the node, and communicates an indication of the occupancy to the at least one work origination node;
> and wherein each of the one or more work origination nodes executes a process for storing the indication of the processing occupancy received from each of the plurality of processing nodes and for selecting one of the plurality of processing nodes for handling a task to be performed by the shared process based on the stored indications of processing occupancy of the plurality of nodes, wherein the selected one of the plurality of processing nodes is selected randomly from a subset of the plurality of processing nodes having lowest occupancies relative to the remaining plurality of processing nodes.

To sustain a §102(b) rejection with respect to claim 30, Cyr must contain all of the elements of claim 30. However, Cyr fails to disclose a work origination node that executes a process for storing an indication of processing occupancy of each of a plurality of processing nodes and for selecting one of the plurality of processing nodes for handling a task to be performed, wherein the selected one of the plurality of processing nodes is selected randomly from a subset of the plurality of processing nodes having lowest occupancies relative to the remaining plurality of processing nodes, among other elements recited in claim 30. Consequently, a §102(b) rejection of claim 30 based on Cyr is not supported, and the rejection should be withdrawn.

Conclusion

It is clear from all of the foregoing that independent claims 1, 11, 21 and 30 are in condition for allowance. Dependent claims 2-8, 10, 12-18, 20, 22-28 and 31-35 depend from and further limit independent claims 1, 11, 21 and 30 and, therefore, are allowable as well.

An early formal notice of allowance of claims 1-8, 10-18, 20-28 and 30-35 is requested.

Respectfully submitted,

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